
UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

LAW OFFICES OF SKLAR SMITH-SKLAR
1901 N. Olden Avenue, Suite 22
Ewing, NJ 08618
(609) 882-9800 Fax: (609) 538-1399
CANDYCE I. SMITH-SKLAR

In Re:

LUIS GARRO

Debtor

Case No.: 19-16714-CMG

Judge: Christine M. Gravelle

Chapter: 13

Hearing: August 5, 2020; 12:00pm

**RESPONSE TO TRUSTEE'S LIMITED OBJECTION TO SUPPLEMENTAL FEE
APPLICATION**

I, CANDYCE SMITH-SKLAR, of full age, being duly sworn upon her oath and according to law, and says:

1. On April 2, 2019, a voluntary Chapter 13 petition was filed on behalf of the Debtor in order to protect his property located at 325 Thiemarx Terrace, Skillman, NJ 08558.
2. On June 28, 2020, a supplemental fee application was filed for services performed on behalf of the Debtor for the period extending from August 16, 2019 through February 27, 2020.
3. On July 2, 2020, the Trustee filed an Objection to our fee application based on the failure to sell real estate within a timely manner and issues related to the IRS filing an amended Proof of Claim following entry of an Order modifying their claim.
4. On August 20, 2019, a modified plan was filed to address the sale of property located at 325 Thiemarx Terrace, Skillman, NJ. The house was to be treated outside of bankruptcy and the pre-petition mortgage arrears were not to be paid pending the sale of the property. A realtor was retained by Application to the Court on February 19, 2020. Thereafter, a contract for sale was obtained but progress on the immediate sale of the property was stalled due to the negative impact of COVID-19. A motion for sale of property will be forthcoming pending a pre-qualification or pre-approval letter from lender.

5. On August 20, 2019, a Motion was filed seeking to Reclassify/Modify the claims of the IRS. An Order granting the motion to reclassify was entered on October 5, 2019. Additionally, the plan was confirmed on October 18, 2019 reflecting the modified claims of IRS. Despite the Confirmation of debtor's case and after an Order fixing the priority claim of the IRS to \$10,347.64, the creditor had **improperly filed an amended proof of claim** on Jan. 6, 2020 seeking to collect on the full amount of their original claim.
6. In response to the IRS's amended Proof of Claim No.: 2-4, debtor's attorney filed an objection and motioned this Honorable Court for an Order to Enforce the Prior Order of October 5, 2019 which sets the amount of priority tax claim liability. Therefore, once final, the confirmed Plan and Order granting the motion to reclassify essentially has a *res judicata* effect, and it "represents a binding determination of the rights and liabilities of the parties based on the doctrine of *res judicata*. (see docket#53).
7. In light of the foregoing, I respectfully request that my fee application be granted.

I certify that the foregoing is true. I am aware that if the Certification contains anything that is willfully false, then I am subject to punishment.

Dated: July 27, 2020

/s/Candyce Smith-Sklar
Attorney for Debtor, Luis Garro